

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEVIN MOORE,)
)
Petitioner,)
)
vs.) Case No. 4:05CV1551 CDP
)
CHARLES DWYER,)
)
Respondent.)

MEMORANDUM AND ORDER

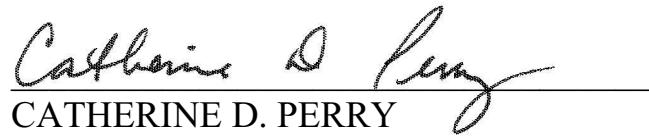
This matter is before me on the petitioner's "Request for Leave of this District Court for a Stay of this Cause, an Order Allowing him to Withdraw this Cause Without Prejudice, Without Violating the 1-Year Period Required Under 'AEDPA' or in the Alternative Order this Cause Back to Missouri E.D. Court of Appeals to Exhaust Plain Error and Jurisdiction Claim." I referred this matter to United States Magistrate Judge Frederick R. Buckles for a report and recommendation on all dispositive and non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1). On November 21, 2006, Judge Buckles filed his recommendation that petitioner's request for leave be denied. Neither party has filed objections to the Report and Recommendation and the time for doing so has expired.

After careful consideration, I will adopt and sustain the thorough reasoning

of Judge Buckles set forth in support of his Report and Recommendation of November 21, 2006.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge [# 14] is adopted in its entirety, and the petitioner's "Request for Leave of this District Court for a Stay of this Cause, an Order Allowing him to Withdraw this Cause Without Prejudice, Without Violating the 1-Year Period Required Under 'AEDPA' or in the Alternative Order this Cause Back to Missouri E.D. Court of Appeals to Exhaust Plain Error and Jurisdiction Claim" [#13] is DENIED.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 7th day of December, 2006.